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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRANDYN GAYLER,

Plaintiff,

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

Case No. 2:14-cv-00769-APG-CWH

**STIPULATION AND  
ORDER EXTENDING TIME FOR  
DEFENDANTS TO FILE THEIR  
RESPONSE TO PLAINTIFF'S MOTION  
TO STRIKE DEFENDANTS' EXHIBITS  
(ECF No. 87) TO A DATE TO BE  
PROVIDED TO THE COURT IN THE  
REVISED SCHEDULING ORDER**

COME NOW, the parties (Parties), by and through their undersigned counsel of record, and hereby agree and stipulate to extend the time for Defendants, James G. Cox, Jerry Howell, Jennifer Nash, and Dwight Neven,<sup>1</sup> to file their Response in Opposition to *Plaintiff's Motion to Strike Defendants' Exhibits*<sup>2</sup> (Motion to Strike), which is currently due to be filed on or before **January 6, 2017** until a date that will be included in the Parties' revised discovery plan and scheduling order for discovery, which will be filed on or before January 23, 2017 as ordered by this Court on December 23, 2016.<sup>3</sup>

This Stipulation for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, the Stipulation has been agreed to by the Parties in the interest of judicial economy and in the interests of all Parties based on this Court's

<sup>1</sup> Defendant High Desert State Prison (HDSP) was dismissed pursuant to this Court's Order on March 18, 2016. ECF No. 57 at 2:5, 3:22-23.

<sup>2</sup> ECF No. 87.

<sup>3</sup> ECF No. 88 at 2:3-5.

limited re-opening of discovery and order that the Parties provide the Court with a revised discovery plan and scheduling order for discovery on or before January 23, 2017.

The Parties have had preliminary meet and confer discussions relating to the Revised Scheduling Order, which will be timely filed by the Parties. In those conversations, the Parties have both acknowledged that there will be a need to supplement Plaintiff's *Response to Defendants' Renewed Motion for Summary Judgment*<sup>4</sup> and *Defendants' Reply to Plaintiff's Response to Defendants' Renewed Motion for Summary Judgment*.<sup>5</sup> Because of the overlap with the arguments expected to be made in those supplemental filings, the Parties believe that judicial economy and the interests of all Parties are more appropriately met if Defendants' Response to the pending Motion to Strike is filed on or near the same time as Defendants' supplemental reply brief that will be required following Plaintiff's supplemental response.

Accordingly, the Parties request that this Court permit Defendants to file their Response to the Motion to Strike on the same date as their supplemental reply brief. The due dates for both filings, as well as Plaintiff's supplemental response brief, will be explicitly listed in the Revised Scheduling Order that the Parties will file on or before January 23, 2017.

Respectfully submitted:

/s/ D. Randall Gilmer  
D. RANDALL GILMER (Bar No. 14001C)  
Senior Deputy Attorney General  
Office of the Attorney General  
State of Nevada  
Attorneys for Defendants

Dated this 4th day of January, 2017

/s/ Alina M. Shell  
Alina M. Shell, Bar No. 11711  
Margaret A. McLetchie, Bar No. 10931  
MCLETCHIE SHELL LLC  
Attorneys for Plaintiff, Brandyn Gayler

Dated this 4th day of January, 2017

**SO ORDERED.**

Dated: January 4, 2017.

  
UNITED STATES DISTRICT JUDGE

<sup>4</sup> ECF No. 77.

<sup>5</sup> ECF No. 82.